

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JUSTIN HAUTAU and ANDREA BABCOCK,
Plaintiffs,

V.

GOLDBERG & DONOVAN INC.,
Defendant.

ORDER

22 CV 1012 (VB)

Plaintiffs commenced the instant action February 4, 2022. (Doc. #1). On March 14, 2022, plaintiffs docketed proof of service on defendant on March 11, 2022. (Doc. #5). However, on April 7, 2022, plaintiffs filed an amended complaint. (Doc. #6). By Order issued April 8, 2022, the Court directed plaintiffs to serve the amended complaint on defendant by no later than April 22, 2022. (Doc. #7).

On April 20, 2022, plaintiffs filed proof of service of the summons and amended complaint on defendant on April 19, 2022. Accordingly, defendant had until May 10, 2022, to respond to the amended complaint. See Fed. R. Civ. P. 12(a)(1)(A)(i).

On April 7, 2022, the Pro Se Intake Unit received a document from defendant by mail purporting to proceed pro se and seeking dismissal of plaintiffs' claims as set forth in the original complaint (Doc. #7 at ECF 2-8). The Court's April 8 Order informed defendant that the Court would not consider defendant's submission because, as a corporation, defendant could not appear in federal court without counsel. Therefore, the Court ordered defendant to obtain counsel, and for counsel to file an appearance in this action, by April 29, 2022. A copy of the Court's April 8 Order was mailed to defendant at the return address of defendant's submission.

To date, defendant has not answered, moved, or otherwise responded to the amended complaint, and no appearance of counsel on behalf of defendant has been filed on the docket.

Accordingly, provided that defendant remains in default, plaintiffs are ORDERED to seek a certificate of default by **June 2, 2022**, and thereafter to move, by order to show cause and in accordance with the Court's Individual Practices, for default judgment against defendant by June 16, 2022. If plaintiffs fail to satisfy either deadline, the Court may dismiss the case without prejudice for failure to prosecute or failure to comply with court orders. Fed. R. Civ. P. 41(b).

Dated: May 12, 2022
White Plains, NY

SO ORDERED:

Vernon

Vincent L. Briccetti
United States District Judge